IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33746 of 2008
RAM JATAN RAI
Versus
STATE OF BIHAR

For the petitioner – Mr. Sumant Singh, Adv.
For the State – Mr. R.B. Roy Raman, Adv.
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3. 20/8/2008 Heard learned counsel for the petitioner and learned counsel for the State.

Police case has been registered for the offence under Sections 467, 468, 471, 420 and 120B of the Indian Penal Code.

Allegation is that the petitioner and others on the basis of forged and fabricated power of attorney have sold lands of the informant.

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Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. There is a registered deed of power of attorney, which he has brought on record as Annexure-2, wherein thumb impression and photograph of the informant Sitaram Singh is incorporated. He further submits that the informant has filed title suit No. 96 of 2008 in which one of the reliefs sought for is that the said power of attorney and the consequent sale deeds be declared forged, fabricated, fictitious, and manufactured documents. It is stated that unless the documents are proved to be forged and fabricated by the Civil Court of competent jurisdiction, it cannot be assumed that a registered documents are forged and

fabricated. Thus, he submits that this is a case of civil nature. It is stated that the petitioner is under jail custody since 21.6.2008.

Learned counsel for the State submits that the documents are forged and fabricated. The power of attorney and subsequent sale deeds executed by the alleged power of attorney holder has put the informant to wrongful loss.

In the facts and circumstances of the case and in view of the aforesaid submissions made on behalf of the parties, petitioner Ram Jatan Rai is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Danapur, District Patna, in connection with Rupaspur P.S. Case No. 26 of 2008.

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S.Ali **(Dr. Ravi Ranjan, J.)**